

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO.: 5:05CV3**

<b>LARRY WADE WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>LINCOLN COUNTY SHERIFF,</b>	)	
<b>BARBARA PICKENS, in her official</b>	)	
<b>capacity, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court on Plaintiff's Notice of Voluntary Dismissal pursuant to Federal Rule of Procedure 41(a) and Motion to Remand pursuant to 28 U.S.C. §1447, both filed March 7, 2005. (Doc.s #17, #18).

On December 20, 2004, Plaintiff filed a complaint in the Superior Court of Lincoln County, North Carolina. In the complaint, Plaintiff asserted a number of state law causes of action, as well as one cause of action, Plaintiff's Fourth Cause of Action, raising federal claims under 42 U.S.C. § 1983 and the United States Constitution. On December 18, 2005, Defendants Lincoln County Sheriff Barbara Pickens, Lt. David Carpenter, Lincoln County Sheriff's Department, and Lincoln County ("local government Defendants") filed a Notice of Removal to this Court based on the federal claims in Plaintiff's complaint. (Doc. #1). The remaining Defendants, Nathan Rufus Setzer and Michael Whitesides ("individual Defendants"), joined in the Notice of Removal. Both the local government and individual Defendants filed Motions to Dismiss, on January 21 and January 24, 2005 respectively.

(Doc.s #4, #8). Plaintiff now seeks to voluntarily dismiss the Fourth Cause of Action from his complaint and remand the action to Lincoln County Superior Court.

The Court acknowledges Plaintiff's voluntary dismissal of all federal claims from his complaint. While the Court may maintain supplemental jurisdiction over the remaining state law claims, 28 U.S.C. § 1337(c)(3), the Court declines to exercise such authority and remands this action to the Superior Court of Lincoln County, North Carolina, consistent with Plaintiff's request. Defendants' Motions to Dismiss are therefore denied as moot.

**IT IS, THEREFORE, ORDERED** that this case is **REMANDED** to the General Court of Justice, Superior Court Division, of Lincoln County, North Carolina, for all purposes and future proceedings. Accordingly, the Deputy Clerk is directed to forward the court file to the appropriate state court clerk.

**IT IS FURTHER ORDERED** that Defendants' Motions to Dismiss are **DENIED** as moot.

**Signed: June 30, 2005**



Richard L. Voorhees  
United States District Judge

